

## **REMARKS/ARGUMENTS**

Claims 20-25, 27-38 remain in this application. Claim 26 has been cancelled. Claims 20, 27, 34 and 37 have been amended. Support for the claim amendments may be found, for example, in paragraph [0035], lines 1-4, of the published application and in recently cancelled claim 26.

Claims 20, 23, 26-31, 37 were rejected under 35 U.S.C. 103(a) as being unpatentable over Ishizuka (US 5,933,267) in view of Pera (GB 2,120,804). Claims 21-22, 24-25, 32-36 and 38 were rejected 35 U.S.C. 103(a) as being unpatentable over Ishizuka (US 5,933,267) in view of Pera (GB 2,120,804) as applied to claim 20, and further in view of Kalayey et al. (US 6,822,742).

### **Section 103(a) Rejection**

#### **1. Ishizuka (US 5,933,267)**

The examiner's views with respect to the disclosure of the Ishizuka reference are not understood. This reference shows means for fixing and positioning a rotary polygon mirror 8 with respect to the cylindrical portion 31 of a bearing rotor 3. To this effect, the reference uses the means defined in column 8, lines 6 through 26 for positioning the mirror in a radial direction. The ring shaped positioning member 12B of Ishizuka consists of an elastic material such as rubber or the like and can as such never be used as compensation mass means. Clearly an elastic body would be deformed when subjected to high rotational forces. Therefore, the examiner's allegations in the paragraph bridging pages 3 and 4 of the office action are traversed. In fact, the Ishizuka invention could – if at all – be used as a bearing for the central rotational axis 5 in the system of the invention, but it has nothing to do with the claimed combination of the deflection mirror means 1 and the compensation mass means 2.

#### **2. Pera (GB 2,120,804)**

Pera is deemed the closest prior art reference since it shows the deflection mirror means to be angularly tilted relative to the axis of rotation. However, Pera is completely silent with respect to the deflection mirror means being located in a bearing-mounted

fitting, with respect to any compensation mass means adapted to compensate for imbalances in the rotation and with respect to any means for adjusting such tilting angle.

### 3. Combination of Ishizuka and Pera

Ishizuka is directed to positioning and fixing the deflection mirror in a bearing fitting. It is deemed impossible to combine the intentional tilting of Pera with the radially positioned and fixed Ishizuka mirror. As explained above even an improbable and unobvious combination of Ishizuka and Pera does not include all features of the claims as amended.

In view of the foregoing, it is respectfully submitted that independent claims 20, 32, 34 and 37 patentably define over the applied combination of Ishizuka and Pera as well as the other cited references.

Dependent claims 21-25, 27-31, 33, 35-36 and 38 merely further patentably define the detailed subject matter of their parent claims, or each other. As such, these claims are also believed to be in condition for allowance over Ishikuza and Pera and the remainder of the cited art.

### CONCLUSION

For the reasons detailed above, it is respectfully submitted all claims remaining in the application (Claims 20-25 and 27-38) are now in condition for allowance.

Respectfully submitted,

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